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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,903	02/05/2004	Kuester Joern	EUR 50877/USw	5357

7590

12/14/2004

Patent Counsel
Huntsman Polyurethanes
286 Mantua Grove Road
West Deptford, NJ 08066-1732

EXAMINER

COONEY, JOHN M

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,903

Applicant(s)

JOERN ET AL.

Examiner

John m Cooney

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0204</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bodnar et al.(5,143,945).

Bodnar et al. discloses preparations of polyisocyanurate based foams prepared by reacting isocyanate and isocyanate reactive materials at isocyanate indexes as claimed in the presence of blowing agents, trimerization catalysts, and functionalized carboxylic acids, wherein the disclosed preparations read on the methods and products of applicants' claims (see the entire document).

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/20,058.

WO 98/20,058 discloses preparations of urethane-modified polyisocyanurate based foams prepared by reacting isocyanate and isocyanate reactive materials at isocyanate indexes as claimed in the presence of blowing agents, trimerization

catalysts, and functionalized carboxylic acids, wherein the disclosed preparations read on the methods and products of applicants' claims (see the entire document).

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/51,668.

WO 99/51,688 discloses preparations of polyisocyanurate foam systems prepared by reacting isocyanate and isocyanate reactive materials at isocyanate indexes as claimed in the presence of co-blowing agents, trimerization catalysts, and functionalized carboxylic acids, wherein the disclosed preparations read on the methods and products of applicants' claims (see the entire document).

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hickey (5,922,779).

Hickey discloses preparations of polyisocyanurate foams prepared by reacting isocyanate and isocyanate reactive materials at isocyanate indexes as claimed in the presence of blowing agents, trimerization catalysts (Dabco K-15), and functionalized carboxylic acids, wherein the disclosed preparations read on the methods and products of applicants' claims (see the entire document).

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Hickey et al.(6,359,022)(CIP of 5,922,779).

Hickey et al. discloses preparations of polyisocyanurate foams prepared by reacting isocyanate and isocyanate reactive materials at isocyanate indexes as claimed in the presence of blowing agents, trimerization catalysts (Dabco K-15), and functionalized carboxylic acids, wherein the disclosed preparations read on the methods and products of applicants' claims (see the entire document).

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sieker et al.(6,403,665)(corresponding closely with WO 98/20,058).

Sieker et al. discloses preparations of urethane-modified polyisocyanurate based foams prepared by reacting isocyanate and isocyanate reactive materials at isocyanate indexes as claimed in the presence of blowing agents, trimerization catalysts, and functionalized carboxylic acids, wherein the disclosed preparations read on the methods and products of applicants' claims (see the entire document).

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothacker et al.(6,602,927)(corresponding closely with WO 99/51,668).

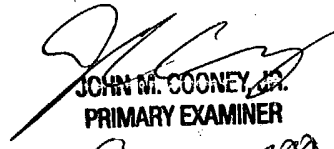
Rothacker et al. discloses preparations of polyisocyanurate foam systems prepared by reacting isocyanate and isocyanate reactive materials at isocyanate indexes as claimed in the presence of co-blowing agents, trimerization catalysts, and

functionalized carboxylic acids, wherein the disclosed preparations read on the methods and products of applicants' claims (see the entire document).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Cooney whose telephone number is 571-272-1070. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN M. COONEY, JR.
PRIMARY EXAMINER
Group 1700